

California Regional Water Quality Control Board
North Coast Region
Cleanup And Abatement Order No. R1-2004-0018

For

RICHARD MANI
and
DONCAR, LTD.

200 Talmadge Drive
Santa Rosa, California

Sonoma County

The Regional Water Quality Control Board, North Coast Region, (hereinafter Regional Water Board) finds that:

1. In June 1994, two underground storage tanks (USTs) used for gasoline and diesel fuel and the associated distribution piping were removed from the property identified by the Sonoma County Assessor's Office as parcel APN 043134012, located at 200 Talmadge Drive in Santa Rosa, California, hereinafter the "the Site". The reported observation of holes in the gasoline tank and the analysis of soil samples collected from the excavation at the time of the tank removal documented the release of gasoline at the site.
2. The Site was occupied by a Coors Beer Distributing facility during the early 1980's. Dr. Richard Mani purchased the property in 1984. Dr. Mani removed the underground storage tanks from the Site in 1994. In June 1995, the property was purchased by Doncar, LTD, a Nevada corporation. Dr. Richard Mani and Doncar, LTD are hereinafter referred to as "the Dischargers."
3. Additional responsible parties may exist, including past owners and/or operators. Continued review of the historical record, facts, data and information may result in additional parties being named in this Order as Dischargers, in which case this Order would be revised.
4. In September 1994, 700 cubic yards of contaminated soil were excavated and removed from the Site. In January 1995, three exploratory soil borings were drilled and were subsequently converted into monitoring wells.
5. Between November 2000 and February 2002, nine additional soil borings were drilled to depths as great as 25 feet below ground surface. These borings demonstrated that the extent of petroleum-contaminated soil at the site was confined to the area surrounding the former underground storage tanks.

6. In March 2002, three soil borings were advanced to a depth of approximately 45 feet below ground surface, and three additional monitoring wells were installed. Groundwater monitoring at the site shows petroleum hydrocarbons levels in groundwater as high as 11,000 parts per billion (ppb) near the former location of the USTs.
7. Groundwater beneath the site is less than fifteen feet below ground surface. Petroleum constituents in groundwater have migrated from the site to the adjacent parcel identified as APN 043134013 located at 2967 Coors Court. Petroleum has been detected in groundwater as far as 120 feet southwest from the former UST location and at least forty-five feet beyond the property boundary of the site.
8. The beneficial uses of areal groundwater include:
 - a. domestic water supply
 - b. agricultural supply
 - c. industrial supply
9. In February 2003, a Corrective Action Plan (CAP) was submitted for the Site. The CAP proposed to use low-flow air sparging with the addition of nutrient compounds to enhance the biodegradation of petroleum constituents in groundwater and soil. On April 25, 2003, Regional Water Board staff concurred with the CAP proposal contingent on review and comment by interested parties and the public. In April and May 2003, interested parties and the public were notified of the pending Corrective Action Plan proposal by mail and by Internet posting.
10. On August 25, 2003, a remedial action work plan was submitted for implementing the CAP. The work plan and an addendum dated July 14, 2003 specified the subsurface injection of calculated doses of ammonium nitrate, potassium nitrate and monopotassium phosphate for nutrient enhancement in groundwater.
11. The Dischargers named in this Order have caused or permitted, cause or permit, or threaten to cause or permit waste to be discharged where it is, or probably will be, discharged into waters of the State and creates, or threatens to create, a condition of pollution or nuisance. The discharge and threatened discharge of contaminants has unreasonably affected water quality in that the discharge or threatened discharge is deleterious to the above described beneficial uses of State waters, and has impaired water quality to a degree which creates a threat to public health and public resources and therefore, constitutes a condition of pollution or nuisance. These conditions threaten to continue unless the discharge or threatened discharge is permanently cleaned up and abated.
12. The California Water Code, and regulations and policies developed thereunder, require cleanup and abatement of discharges and threatened discharges of waste to the extent feasible. Cleanup to background levels is the presumptive standard. Any proposed alternative that will not achieve cleanup to background levels (i.e., water quality objectives), must be supported with evidence that it is technologically or economically infeasible to achieve background levels, and that the pollutant will not pose a substantial present or potential hazard to human

health or the environment for the duration of the exceedence of background levels (SWRCB Res. 68-16 and 92-49, 23 CCR section 2550.4, subs. (c), and (d).)

13. Water quality objectives exist to ensure the beneficial uses of water. Several beneficial uses of water exist, and the most stringent objective for protection of all beneficial uses is selected as protective for water quality. A listing of the water quality objectives for waters of the State impacted by discharges from the Site is included as **Attachment A** to this Order.
14. Discharge prohibitions contained in the Basin Plan apply to this site. State Water Resources Control Board Resolution 68-16 applies to this site. State Water Resources Control Board Resolution 92-49 applies to this site and sets out the "Policies and Procedures for Investigation and Cleanup and Abatement of Discharges under Section 13304 of the California Water Code."
15. Cleanup and abatement activities remain to be performed at the Site. These activities include implementation of appropriate cleanup and abatement activities and monitoring. The remaining activities require a schedule for completion. Therefore, this Order specifies the cleanup and abatement activities that are required to be conducted on the Site and it reflects the schedule for completion of required activities.
16. The Regional Water Board will ensure adequate public participation at key steps in the remedial action process, and shall ensure that concurrence with a remedy for cleanup and abatement of the discharges at the site shall comply with the California Environmental Quality Act (at Public Resources Code Section 21000 et seq.; "CEQA").
17. The issuance of this Cleanup and Abatement Order is an enforcement action being taken for the protection of the environment and, therefore, is exempt from the provisions of the California Environmental Quality Act (Public Resources Code, Section 21000 et. seq.) in accordance with Section 15308 and 15321, Chapter 3, Title 14 of the California Code of Regulations.
18. Any person affected by this action of the Board may petition the State Water Resources Control Board (State Water Board) to review the action in accordance with Section 13320 of the California Water Code and Title 23, California Code of Regulations, Section 2050. The petition must be received by the State Board within 30 days of the date of this Order. Copies of the law and regulations applicable to filing petitions will be provided upon request. In addition to filing a petition with the State Water Board, any person affected by this Order may request the Regional Water Board to reconsider this Order. Such request should be made within 30 days of the date of this Order. Note that even if reconsideration by the Regional Water Board is sought, filing a petition with the State Water Board within the 30-day period is necessary to preserve the petitioner's legal rights.

THEREFORE, IT IS HEREBY ORDERED that pursuant to California Water Code Sections 13267(b) and 13304, the Dischargers shall cleanup and abate the discharge and threatened discharge of petroleum hydrocarbons and related compounds and shall comply with the provisions of this Order:

1. The Dischargers shall conduct all work under the direction of a California registered engineer or geologist experienced in pollution investigation and cleanup in accordance with all local ordinances. All necessary permits shall be obtained.
2. The Dischargers shall submit to the Executive Officer for concurrence, within forty-five (45) days of issuance of this Order, a schedule for implementing the February 2003 CAP.
3. The Dischargers shall implement the CAP in accordance with the schedule concurred with by the Executive Officer.
4. The Dischargers shall continue quarterly groundwater monitoring and sampling of groundwater at the site. The Dischargers shall comply with Monitoring and Reporting Program No. R1-2004-0018 and include the collection of quarterly groundwater elevation measurements and the submittal of quarterly reports showing the distribution of petroleum contaminants in groundwater.
5. If, for any reason, the Dischargers are unable to perform any activity or submit any documentation in compliance with the work schedule submitted pursuant to this Order and approved by the Executive Officer, the Dischargers may request, in writing, an extension of the time as specified. The extension request shall include justification for the delay. An extension may be granted for good cause, at the discretion of the Executive Officer, in which case this Order will be accordingly revised.

Ordered by _____
Catherine E. Kuhlman
Executive Officer
February 20, 2004